

## THE U.S. PROBATION AND PRETRIAL SERVICES SYSTEM

### A Vital Part of the Judiciary

The U.S. Probation and Pretrial Services System is a vital part of the federal judiciary. The system's mission is to *investigate* and *supervise* defendants and offenders. U.S. probation and pretrial services officers provide these services. Their core responsibilities—investigation, report preparation, and supervision—are explained below.

### Investigation

Officers investigate defendants and offenders for the court by gathering and verifying information about them. Pretrial services officers investigate defendants who are charged with federal crimes and awaiting a court hearing. Probation officers investigate offenders who are convicted of crimes and awaiting sentencing, as well as those who are serving a term of supervision after release from prison or following a sentence of probation.

### Report Preparation

Officers prepare reports that the court relies on in making decisions. Pretrial services reports help the court decide whether to release or detain defendants while they are awaiting trial. Presentence investigation reports help the court impose fair sentences for offenders in accordance with federal sentencing guidelines and applicable federal law. Officers also prepare other reports for the court, including reports that address individuals' adjustment to supervision and their compliance with conditions of release.

### Supervision

Officers supervise defendants and offenders in the community and in doing so reduce the risk these persons pose to the public. Pretrial services officers supervise defendants released pending trial. Probation officers supervise offenders who are sentenced to a term of probation by the court or who are on parole or supervised release after they are released from prison.

Officers intervene with a variety of strategies aimed at maximizing defendant and offender success during the period of supervision. These strategies include techniques both to control and to correct the behavior of persons under supervision to help ensure that these individuals comply with the conditions of release the court has set for them and remain law abiding. As part of risk control—and by order of the court—officers may direct defendants and offenders to services to assist them. These services include substance abuse or mental health treatment, medical care, training, or employment assistance. Treatment providers under contract to the U.S. courts provide many of these services. Social service resources provided by state and local programs also are used.

### History

Congress laid the foundation for probation first. The Federal Probation Act of 1925 established a probation system in the U.S. courts and gave courts the power to appoint probation officers and to place defendants on probation. The Administrative Office of the U.S. Courts assumed responsibility for the probation system in 1940.

Pretrial services came along more than 50 years after probation as a means to reduce both crime committed by persons released to the community pending trial and unnecessary pretrial detention. The Pretrial Services Act of 1982 authorized implementation of pretrial services nationwide.

### Part of Each District Court

There are 94 U.S. district courts nationwide, which include the U.S. territories. U.S. probation and pretrial services offices are located in 93 of them. (Probation and pretrial services for the District of the Northern Mariana Islands are provided by the District of Guam.) Some districts have both a probation and pretrial services office. In other districts, probation and pretrial services are combined in one office. In one district, the District of Columbia, only the probation office is part of the federal probation and pretrial services system.

## District-to-District Variations

The system shares a mission, and it functions as a single entity in many ways, but some characteristics vary district to district. Here are some examples:

▼ *Number of officers.* Just because a district is large geographically does not mean it has more officers. The number of officers on board in each district depends on the district's workload. Some districts have fewer than a dozen probation and pretrial services officers. Others have more than 200.

▼ *Workload.* Officer workload is not the same in every district. Sometimes efforts on the part of law enforcement—the Department of Justice—generate increases in arrests, for instance, for drug and immigration crimes. Such action can dramatically increase criminal filings in a given district and impact the workload of judges and officers alike.

▼ *Rural/urban differences.* Working as a probation or pretrial services officer in a big city is considerably different than doing that same job in a rural or sparsely populated area. Officers working in less populated areas sometimes must travel long distances to fulfill their supervision responsibilities. They may have access to fewer resources than their urban counterparts do, especially for substance abuse or mental health treatment and employment assistance. On the other hand, officers in metropolitan areas often must carry out their supervision duties in high-crime areas.

## System Funding and Administration

Congress annually appropriates funds for the federal judiciary, and the system's budget is part of that. This funding is used to pay employee salaries and support various programs for defendants and offenders—substance abuse testing and treatment, mental health treatment, and home confinement with electronic monitoring.

Unlike many federal agencies, the U.S. probation and pretrial services system is not centralized. Local administration is in the hands of chief probation officers and chief pretrial services officers, who are directly responsible to the courts they serve. These chiefs do their own hiring, manage their own budgets, and retain considerable autonomy to run their offices.

Two national entities oversee and support the system. The Judicial Conference of the United States, presided over by the Chief Justice,

includes a group of committees that sets policy for the courts. The Judicial Conference's Criminal Law Committee focuses expressly on probation and pretrial services issues.

The Administrative Office of the U.S. Courts carries out the Judicial Conference's policies and provides the courts with a broad range of administrative, management, and program support. In the Administrative Office, the Office of Probation and Pretrial Services reviews the work of probation and pretrial services offices, develops system policies, and supports system programs.

## The Position of Officer

U.S. probation and pretrial services officers are federal law enforcement officers. Law enforcement officers are defined at 5 U.S.C. § 8401(17) as employees whose duties are primarily "the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States." As federal law enforcement officers, U.S. probation and pretrial services officers are subject to hazardous duty retirement and must retire when they reach age 57.

The officer's job presents a unique set of demands and challenges. It may entail considerable mental and physical stress. In investigating and supervising persons who may present a threat to the officers themselves or to the public, officers face potential danger daily. In some districts, officers are allowed to carry firearms on duty. Officers also have access to sensitive information. The system has put in place an officer integrity program to help ensure that persons who apply for officer positions—and officers already performing the job—are fit to serve. The program includes:

▼ *Background investigations* for officer job applicants and periodic reinvestigations for officers who are on the job.

▼ *Workplace drug testing* conducted randomly and when chiefs suspect that officers may be using illegal drugs.

▼ *Medical standards* that require medical examinations for officers if their chiefs believe that their performance or conduct is affected by a medical or psychological condition.